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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,838	04/08/2004	Matthew Mrakovich	145641/GLOZ 2 00223	8510
27885	7590	05/04/2005		EXAMINER
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP 1100 SUPERIOR AVENUE, SEVENTH FLOOR CLEVELAND, OH 44114			HARVEY, JAMES R	
			ART UNIT	PAPER NUMBER
			2833	

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AIC

Office Action Summary	Application No.	Applicant(s)	
	10/820,838	MRAKOVICH ET AL.	
	Examiner	Art Unit	
	James R. Harvey	2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 July 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) 19 and 20 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-13 and 15-18 is/are rejected.
 7) Claim(s) 14 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 08 April 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4-8-04 and 7-7-04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Information Disclosure Statement

- The Information Disclosure statement(s) and related documents that were filed on 4-8-04 (4 sheets) and 7-7-04 (1 sheet) have been considered.

Election/Restrictions

- Claim(s) 19-20 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a non-elected Group I, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement on papers filed 2-22-05.
- The requirement is still deemed proper and is therefore made FINAL

Claim Objections

- Claim(s) 6 is/are objected to because of the following informalities:
 - In reference to Claim(s) 6, line 4; the recitation “a second direction” lacks proper antecedent basis. For purposes of examination, it is assumed that the language is intended to mean “the second direction”. An examination based on the merits, as best understood, is addressed below.
 - Appropriate response to the above is required.

Claim Rejections - 35 USC § 102

- The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

- The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

** Claim(s) 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Radliff (6325671).

-- In reference to Claim(s) 1, Radliff shows (cover sheet) a clam-shell housing 2 including a first portion 6 attached to a second portion 4 via a sliding hinge 170 (column 4, line 63 and column 5, line 4), the housing defining a first cable seat and a second cable seat, each seat for receiving an associated cable to be spliced to another associated cable in the other seat,

a first insulation displacement connection (IDC) terminal received in the housing (see examiner's figure), wherein the first IDC terminal includes a first prong aligned with the first cable seat and a second prong aligned with the second cable seat, whereby the first IDC terminal electrically connects a wire of the first associated cable to a wire of the second associated cable.

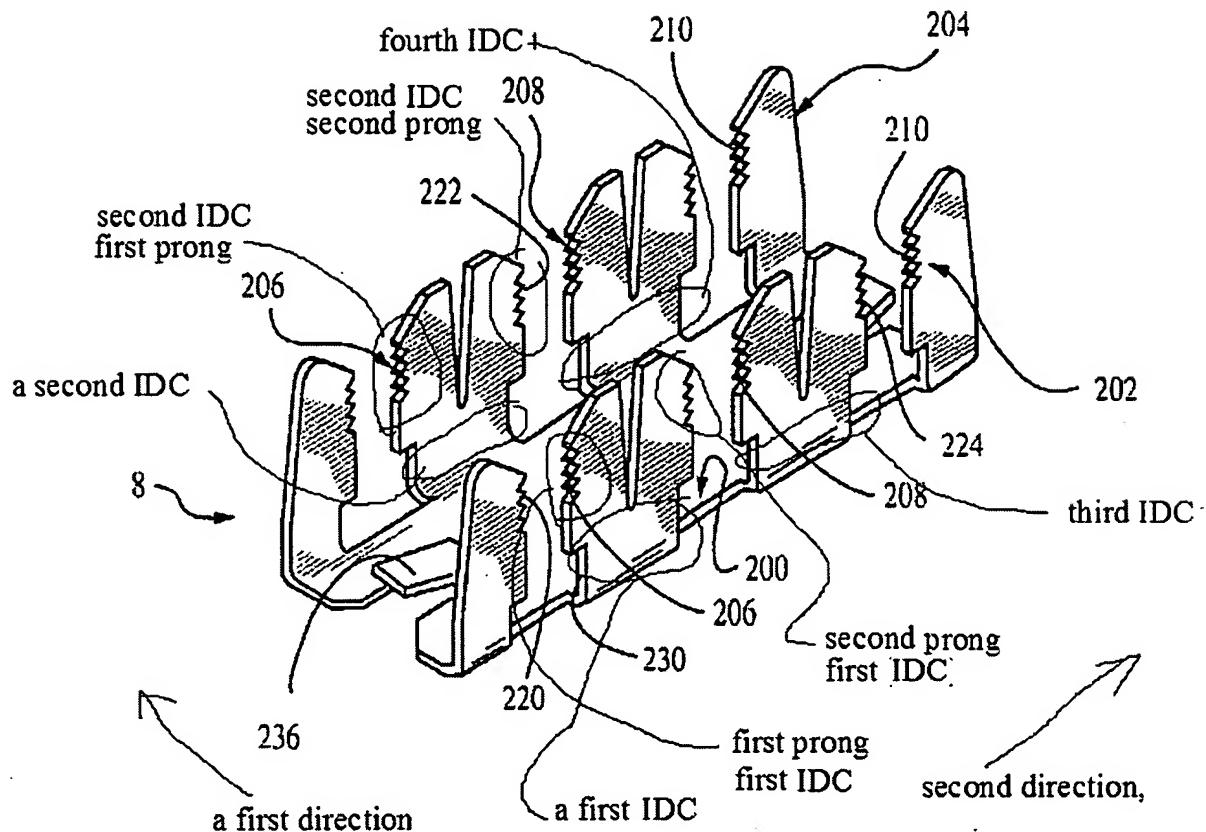
-- In reference to Claim(s) 2, Radliff shows (figure 3) a notch 188 formed in the first portion 6 of the housing opposite the hinge 170 and adjacent one of the cable seats, and an alignment member 184 (column 5, line 1) disposed on the second portion 4, wherein the notch receives the alignment member when the clamshell housing closes.

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- In reference to Claim(s) 3, Radliff shows the sliding hinge 170 includes a catch 190 (cover sheet) adapted to limit the movement in one direction of the first portion 6 in relation to the second portion 4.
- In reference to Claim(s) 4, Radliff shows (cover sheet) the sliding hinge 170 is adapted so that the first portion 6 is opened away from and removed from the top of the second portion 4.

In particular reference to the recitation “is adapted such that the first portion 6 is selectively removable from the second portion” is seen to be for the intended use of the claimed structure and is given little patentable weight, since it has been held a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). Further, the claim language is not seen to claim any structure that would inhibit the reference from being used for the same purpose as the intended use recitations of the claim.

- In reference to Claim(s) 5, Radliff shows (see examiner's figure) a second IDC terminal spaced from tie first IDC terminal in a first direction, wherein the second IDC terminal includes a first prong aligned with the first cable seat and a second prong aligned with the second cable seat.
- In reference to Claim(s) 6, Radliff shows (see examiner's figure) a third IDC terminal spaced from the first IDC terminal in a second direction, which is generally perpendicular to the first direction, and a fourth IDC terminal spaced from the first IDC terminal in a second direction and the third IDC terminal in a direction generally parallel to the first direction.



-- In reference to Claim(s) 7, Radliff shows a boss 112 (figure 3) extending from the first portion and spanning between the first cable seat and the second cable seat.

** Claim(s) 8-13 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al. (4684196).

-- In reference to Claim(s) 8, Smith shows (figure 1)

a first housing 12 defining first 14 and second (near the lead line of numeral 19a) cable receptacles spaced from one another in a first direction (left to right),
a second housing 11 attached to the first housing 12, and
first 19 and second 20 terminals spaced from one another in a second direction (right to left) generally parallel to the first direction and received in the first housing 12, wherein each terminal includes a first prong (any one of the triangular shaped teeth) aligned with the first cable receptacle and a second prong (another of one of the triangular shaped teeth) aligned with the second cable receptacle.

-- In reference to Claim(s) 9, Smith shows (figure 2) the first housing 12 includes a resilient clip 23 and the second housing includes a catch 22 that cooperates with the resilient clip.

The meaning of "clip" is not set forth in the claims and is thus deemed to be so broad that it is met by the applied reference showing a flexible member (see attached definition from the Collins English Dictionary) .

In particular reference to the recitation "to selectively attach the first housing to the second housing" is seen to be for the intended use of the claimed structure and is given little patentable weight, since it has been held a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). Further, the claim language is not seen to claim any structure that would inhibit the reference from being used for the same purpose as the intended use recitations of the claim because the male and female members can have a friction fit that holds (attaches) the two housings together.

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-- In reference to Claim(s) 10, Smith shows (figure 2) the first housing 12 includes a first opening 27 interposed between the first and second cable receptacles and the second housing 11 includes a second opening 24 that aligns with the first opening to receive a fastener 25 to selectively attach the first housing to the second housing.

-- In reference to Claim(s) 11, Smith shows (figure 1) third 17 and fourth 18 terminals received in the second housing and spaced from one another in a direction generally parallel to the second direction.

-- In reference to Claim(s) 12, Smith shows (figure 1) the first housing includes a hoop-shaped appendage 26 defining an elongated slot 27 and the second housing 11 includes a pin 25 received in the slot 27.

The meaning of "slot" is not set forth in the claims and is thus deemed to be so broad that it is met by the applied reference showing an opening (see attached definition from The American Heritage Concise Dictionary).

-- In reference to Claim(s) 13, Smith shows (figure 1) the first housing includes catches 28 formed on an inner surface of the slot 27.

-- In reference to Claim(s) 15, Smith shows (figure 1) a boss 26 extending from one of the first housing and the second housing interposed between the cable receptacles.

** Claim(s) 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith.

-- In reference to Claim(s) 16-18, Smith shows substantially the invention as claimed. However, Smith shows rotating a second housing portion of the clam-shell housing with respect to the first housing (see Brief Description of the drawings; figure 2).

However Smith does not explicitly show the second housing is attached to the first housing portion because Smith does not have a strap attaching the first housing to the second piece.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a strap between the first and second housings of Smith. One skilled in the art would have been motivated to add a strap to keep one of the housings from getting misplaced during the assembly process.

Allowable Subject Matter

- Claim(s) 14 has(have) allowable subject matter.
- Claim(s) 14 is/are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art does not show the hoop-shaped appendage is discontinuous forming a side opening in therein, wherein the side opening has a diameter approximately equal to the diameter of the pin in combination with all the other elements of the claim and the examiner knows of no permissible motivation to combine the prior art such that the subject matter as a whole would have been obvious at the time the invention was made.

If the application becomes allowable, any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowable Subject Matter".

Conclusion

- The prior art listed on PTO form 892 that is made of record and not relied upon is considered pertinent to applicant's disclosure because it shows the state of the art with respect to applicant's claimed invention.
- Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Harvey whose telephone number is 571-272-2007. The examiner can normally be reached on 8:00 A.M. To 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571-272-2800 extension 33.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2800.

- Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James R. Harvey, Examiner

jrh
May 2, 2005

A handwritten signature in black ink, appearing to read "James R. Harvey". It is written in a cursive style with a long horizontal line underneath the main name.